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Approved For Release 2003/03/06 : CIA-RDP86-00101R000100070002-5

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Deputy Chief, Information Services
Staff
5B2830 Headquarters

EXTENSION

NO.

DATE

22 August 1979

STAT

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Director of Communications

2. Director of Data Processing

3. Director of Finance

4. Director of Logistics

5. Director of Medical Services

6. Director of Personnel

7. Director of Security

8. Director of Training

9.

10.

11.

OGC Has Reviewed

12.

13.

14.

15.

Attached for your review is the most recent version of Title 4 of the proposed legislation charter for CIA.

Please review this version and the correspondence from the Senate Select Committee on Intelligence (SSCI), providing any comments you wish to make directly to [redacted] in OGC.

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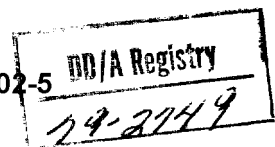
Distribution:

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OGC 79-07659
20 August 1979

MEMORANDUM FOR: Deputy Director for Administration
Deputy Director for Operations
Deputy Director for National Foreign
Assessment
Deputy Director for Science and Technology
Deputy to the DCI for Resource Management
Deputy to the DCI for Collection Tasking

FROM

:




Assistant General Counsel

SUBJECT

:

SSCI Response on Title IV

Attached, for your information and review, is the most recent correspondence from the Senate Intelligence Committee staff responding to our latest revision of Title IV. There are still a few rough spots but overall, I believe we have made significant progress during the past several months in the development of a charter that will best serve the needs of this Agency. Please direct any comments you may have to  of this office.



Attachment

cc: General Counsel
C/GLD
C/O&MD
C/FOIA
C/L&PLD

BIRCH BAYH, IND., CHAIRMAN
BARRY GOLDWATER, ARIZ., VICE CHAIRMAN
ADAM E. STEVENSON, ILL.
WALTER D. HUDDLESTON, KY.
JOSEPH R. BIDEN, JR., DEL.
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HENRY M. JACKSON, WASH.
PATRICK J. LEAHY, VT.
JAKE GARRETT, UTAH
CHARLES HICKS, MARYLAND, JR., MD.
JOHN H. CHAFFEE, R.I.
RICHARD G. LUGAR, IND.
MALCOLM WALLOP, WYO.
DAVID DURENBERGER, MINN.

ROBERT C. BYRD, W. VA., EX OFFICIO
HOWARD H. BAKER, JR., TENN., EX OFFICIO
WILLIAM G. MILLER, STAFF DIRECTOR
EARL D. EISENHOWER, MINORITY STAFF DIRECTOR

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United States Senate

SELECT COMMITTEE ON INTELLIGENCE
(PURSUANT TO S. RES. 400, 94TH CONGRESS)
WASHINGTON, D.C. 20510

August 15, 1979

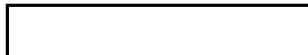
IN REPLY PLEASE
REFER TO Q# 9505

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Office of the General Counsel
Central Intelligence Agency
Washington, D.C.

STAT



We have gone through your Title IV draft which included many improvements. I am enclosing an annotated copy of your draft. The reason behind most of the changes are self-explanatory. However, a few comments might be helpful.

Sec. 401(2): The activities of the CIA should be regarded as necessary, not important. This is not a standard but a statement of purpose.

Sec. 401(4): It should be made clear that one of the main purposes of the CIA charter is accountability.

Sec. 412(a): Changes here make clear that any person can be the head of the CIA. Any person appointed head of the Agency must be confirmed as such. If the DNI or Deputy DNI is to be head of the CIA, he could be confirmed in both offices simultaneously.

Sec. 413: Most of the general counsel section has been moved to title I.

Sec. 414: Among other things the authority of the CIA within the U.S. has been clarified in conformity with Title V, the FBI charter.

Sec. 421: Because subsection (k) says that the provisions of subsection (a)-(e) and (i) are available notwithstanding other laws, redundant language has been eliminated.

Sec. 421(b): The exemption from the Privacy Act and FOIA will have to be reviewed by the Senators before a final decision. If this is acceptable to them, the

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August 15, 1979
Page Two

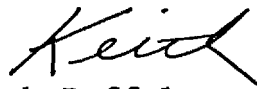
Privacy Act's exemption of CIA will be eliminated in a conforming amendment.

Sec. 431(b): It is not necessary to give the Agency authority to provide paid domestic travel expenses because it is already provided in Title V of the U.S. Code.

Sec. 443(b): The Committee is drafting a criminal statute which will apply penalties only to those who have had authorized access to information and have agreed to protect its confidentiality.

Bill Miller, John Elliff, and I look forward to seeing you to discuss these matters.

Yours sincerely,



Keith Raffel
Counsel

enclosure (1)

TITLE IV -- CIA

Q 9354
cy2

TITLE IV -- CENTRAL INTELLIGENCE AGENCY

PART A

PURPOSES

STATEMENT OF PURPOSES

Sec. 401. It is the purpose of this title --

(1) to clarify the statutory authorities, functions, and responsibilities of the Central Intelligence Agency;

(2) to authorize the Central Intelligence Agency to perform intelligence activities that are ^{NECESSARY} ~~important~~ for the conduct of the foreign relations and the protection of the national security of the United States;

(3) to ensure that the ~~intelligence~~ activities of the Central Intelligence Agency are properly and effectively directed, regulated, coordinated, and administered; and

(4) to ensure that ~~the activities of~~ the Central Intelligence Agency are conducted in a manner consistent with the Constitution and laws of the United States.

*is accountable to the President,
the Congress, and the people of
the United States, and that its
activities*

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PART B

ESTABLISHMENT OF AGENCY; DIRECTOR; DEPUTY DIRECTOR;
GENERAL COUNSEL; INSPECTOR GENERAL; FUNCTIONS

ESTABLISHMENT OF CENTRAL INTELLIGENCE AGENCY

^{4/1}
Sec. ~~402~~. There is established in the Executive branch of the Government an independent establishment to be known as the Central Intelligence Agency (hereinafter in this title referred to as "the Agency"), which shall perform its functions under the direction of the National Security Council and subject to intelligence plans, objectives, and requirements established by the Director of National Intelligence.

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who shall be
Appointed by the
President, with the
Advice AND CONSENT
of the SENATE.

DUTIES OF DIRECTOR AND DEPUTY DIRECTOR

412
Sec 403. (a) There shall be at the head of the Agency
a Director of the Central Intelligence Agency (hereinafter in
this title referred to as the "Director of the Agency"). The
Director of National Intelligence, or, if authorized by the
President in accordance with this Act, the Deputy Director
of National Intelligence or an Assistant Director of National
Intelligence, ^{MAY} shall serve as the Director of the Agency, ^{provided that}
[Note: There should be an addition to section 702(b) of the ^{the Appointmen}
Act, amending 5 U.S.C. 5313 to include the D/CIA at Level II ^{of such perss}
of the Executive Pay Schedule] ^{AS Director}
^{of the Agen}
^{receives the}
^{Advice and}
^{CONSENT of}
^{the SENATE}

(b) There shall be a Deputy Director of the Central
Intelligence Agency (hereinafter in this title referred to as
the "Deputy Director") who shall be appointed by the President,
with the advice and consent of the Senate, and who shall assist
in carrying out the functions of the Director of the Agency and
who shall exercise all the duties of the Director of the Agency in
the absence of the Director of the Agency. [Note: There should be an
addition to section 702(c) of the Act, amending 5 U.S.C. 5314 to
include the DD/CIA at Level III of the Executive Pay Schedule]

(c) At no time shall the offices of Director of the Agency
and Deputy Director be occupied simultaneously by commissioned
officers of the Armed Forces, whether in an active or retired
status.

(d)(1) If a commissioned officer of the Armed Forces is appointed as Director of the Agency or Deputy Director, then--

(A) in the performance of the duties of Director of the Agency or Deputy Director, as the case may be, the officer shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be applicable if that officer were a civilian in no way connected with the Department of Defense, the military departments, or the Armed Forces of the United States or any component thereof; and

(B) that officer shall not possess or exercise any supervision, control, powers, or functions (other than those authorized to that officer as Director of the Agency or Deputy Director) with respect to the Department of Defense, the military departments, or the Armed Forces of the United States or any component thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in this section, the appointment to the office of Director of the Agency or Deputy Director of a commissioned officer of the Armed Forces, and acceptance of and service in such an office by that officer, shall in no way affect any status, office, rank, or grade that officer may occupy or hold in the armed forces, or any emolument, perquisite,

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right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. A commissioned officer shall, while serving in the office of Director of the Agency or Deputy Director, continue to hold rank and grade not lower than that in which that officer was serving at the time of that officer's appointment as Director of the Agency or Deputy Director.

(e) It shall be the duty of the Director of the Agency to--

(1) ensure that the activities of the Agency are conducted in accordance with the provisions of this Act and with the Constitution and laws of the United States;

(2) ensure that the activities of the Agency are properly and efficiently directed, regulated, coordinated, and administered;

(3) perform as Director of the Agency the duties assigned elsewhere in this Act to the head of each entity of the intelligence community;

(4) protect intelligence sources and methods from unauthorized disclosure; and

(5) specify by regulation the order in which senior officials of the Agency may exercise all the duties of the Deputy Director during any temporary absence, disability, or vacancy in that office, ^{provided that} ~~and~~ such officials are hereby authorized to exercise such duties for a period not to exceed 180 days.

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GENERAL COUNSEL AND INSPECTOR GENERAL

4/3
Sec. 404. (a) There shall be a General Counsel appointed by the President, by and with the advice and consent of the Senate, who shall serve as the principal legal advisor to the Director of National Intelligence and the Director of the Agency and shall have the responsibility and authority to--

- ✓ (1) review Agency activities and activities of the Office of the Director of National Intelligence to determine whether such activities are in conformity with the Constitution and laws of the United States, Executive orders, Presidential directives and memoranda, and the rules, regulations, and policies of the Agency;
- (2) review all rules and regulations of the Agency and of the Office of the Director of National Intelligence, including but not limited to any rule or regulation proposed to implement the provisions of this Act, to ensure that such rules and regulations are in conformity with the Constitution and laws of the United States, Executive orders, and Presidential directives and memoranda;
- (3) perform the same duties with respect to the Agency and the Office of the Director of National Intelligence as the general counsels of all entities of the Intelligence Community are required to perform by other provisions of this Act; and

(4) perform such additional duties as the Director of National Intelligence or the Director of the Agency may prescribe.

(b) In the temporary absence of the General Counsel, the Deputy General Counsel is authorized to exercise all functions of the General Counsel;

(c) There shall be an Inspector General of the Agency appointed by the Director of the Agency. The Inspector General shall have the responsibility and authority to--

(1) investigate all activities of the Agency and of the Office of the Director of National Intelligence to determine in what respects authorized functions may more effectively be performed and to determine the facts and circumstances of any alleged wrongdoing;

(2) advise the Director of National Intelligence, and the Director of the Agency, of findings regarding activities of the Office of the Director of National Intelligence or of the Agency, respectively.

(3) report any indications of possible violations of federal law to the General Counsel;

(4) perform such other investigations as the Director of National Intelligence or the Director of the Agency deem necessary and appropriate, consistent with the provisions of this Act;

(5) perform the same duties with respect to the Agency and the Office of the Director of National Intelligence as the inspectors general of all entities of the Intelligence Community are authorized to perform under the provisions of this Act; and

(6) perform such other duties as the Director of National

GENERAL COUNSEL AND INSPECTOR GENERAL

Sec. 413. (a) There shall be a General Counsel appointed by the President, by and with the advice and consent of the Senate, who shall discharge the responsibilities of general counsel under this Act for the Agency and who may, when the Director or Deputy Director of National Intelligence is Director of the Agency, discharge such responsibilities for the Office of the Director of National Intelligence.

(b) There shall be an Inspector General appointed by the Director of the Agency who shall discharge the responsibilities of inspector general under this Act for the Agency and who may discharge such responsibilities for the Office of the Director of National Intelligence.

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FUNCTIONS

^{414.}
Sec. 405. (a) All activities, duties, and responsibilities of the Agency shall be performed in accordance with this Act.

(b) The Agency shall--

(1) conduct foreign intelligence activities including collection by clandestine means;

(2) conduct special activities;

(3) conduct counterintelligence and counterterrorism intelligence activities outside the United States, and within the United States in coordination with the Federal Bureau of Investigation;

(4) process and analyze data and information collected by any entity of the Intelligence Community as necessary to fulfill its responsibilities under this Act;

(5) produce, publish, and disseminate intelligence to meet the needs of the President the National Security Council, the Director of National Intelligence, and other officials and departments and agencies, including national intelligence estimates and similar analyses coordinated with other entities of the Intelligence Community;

(6) collect information, by other than clandestine means, when it is relevant to any authorized Agency function;

(7) develop, conduct, and provide support for technical and other programs, including signals intelligence activities, to collect intelligence outside the United States;

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(8) act as the agent of the Director of National Intelligence in the coordination of counterintelligence activities, counterterrorism intelligence activities, and clandestine collection of foreign intelligence, conducted outside the United States by any other entity of the Intelligence Community;

(9) conduct liaison with and provide assistance to foreign governmental agencies under the direction of the Director of National Intelligence and act as the agent of the Director of National Intelligence in the coordination of such liaison by any other entity of the Intelligence Community;

(10) conduct for the Intelligence Community and as directed by the Director of National Intelligence services of common concern such as monitoring of foreign public radio and television broadcasts and foreign press services, collection of intelligence from cooperating sources in the United States, and acquisition and translation of foreign publications, and photographic interpretation;

(11) coordinate the overt collection of intelligence by entities of the Intelligence Community from witting and voluntary sources within the United States;

(12) conduct or contract for research, development, and procurement of systems and devices relating to the Agency's authorized functions;

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(13) provide legal, legislative, security,
inspection, communications, and audit services and other
support to the Office of the Director of National Intelligence.

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FUNCTIONS

Sec. 414. (a) All activities, duties, and responsibilities of the Agency shall be performed in accordance with this Act.

(b) The Agency shall--

- (1) conduct foreign intelligence activities including collection by clandestine means;
- (2) conduct counterintelligence and counterterrorism intelligence activities including activities by clandestine means;
- (3) conduct special activities;
- (4) process, analyze, produce, publish, and disseminate foreign intelligence and related information to meet the needs of the President, the National Security Counsel, the Director of National Intelligence, and other officials and departments and agencies, including national intelligence estimates and similar analyses coordinated with other entities of the Intelligence Community;
- (5) develop, conduct, and provide support for technical and other programs, including signals intelligence activities and reconnaissance programs, to collect intelligence outside the United States;
- (6) act as the agent of the Director of National Intelligence in the coordination of counterintelligence activities, counterterrorism intelligence activities, and

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clandestine collection of foreign intelligence, conducted outside the United States by any other entity of the intelligence community;

(7) conduct liaison relationships with foreign governmental agencies under the direction of the Director of National Intelligence and act as the agent of the Director of National Intelligence in the coordination of such relationships by any other entity of the intelligence community;

(8) conduct services of common concern on behalf of the intelligence community as directed by the Director of National Intelligence;

(9) conduct or contract for research, development, and procurement of systems and devices relating to its authorized functions;

(10) perform inspection, audit, public affairs, legal, legislative, and other administrative functions to support its authorized activities, and provide such support to the Office of the Director of National Intelligence as directed by the Director of National Intelligence; and

(11) perform such additional functions as are otherwise authorized by this Act to be performed by each entity of the intelligence community.

(c) Within the United States the Agency may collect foreign intelligence by clandestine means only in coordination with the Federal Bureau of Investigation and may not direct such collection against unconsenting United States persons.

(d) Within the United States the Agency may conduct counterintelligence and counterterrorism intelligence activities by clandestine means only with the approval of the Director of the Federal Bureau of Investigation or a designee, made or confirmed in writing, and shall keep the Federal Bureau of Investigation fully and currently informed of any such activities.

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PART C

AUTHORITIES OF THE AGENCY; AUTHORIZATION FOR APPROPRIATIONS

GENERAL AUTHORITIES OF THE AGENCY

^{421.}
Sec. ~~406.~~ (a) In carrying out its functions under this Act, the Agency is authorized to--
^{Exchange funds; And}
(1) ¹ transfer to and receive from other departments and agencies such sums of money as may be approved by the Director of the Agency for the purpose of carrying out authorized functions, and sums so transferred to or from the Agency may be expended without regard to any limitation on appropriations from which transferred;
~~(2) exchange funds without regard to the provisions of any law, including section 3651 of the Revised Statutes (31 U.S.C. 543);~~
²
(³) ~~enter appropriate reimbursement arrangements with~~ other departments and agencies in connection with the detail or assignment of personnel to or from the Agency;
³
(⁴) rent any premises within or outside the United States as appropriate to carry out any authorized function of the Agency ; lease property, supplies, services, equipment, buildings or facilities ~~without regard to the limitations of any law including those prescribed in section 322 of the~~

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~~Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending 30 June 1933, and for other purposes," approved 30 June 1932 (40 U.S.C. 278a); acquire, construct, or alter buildings and facilities, or contract for such purposes, without regard to the Public Buildings Act of 1959 (40 U.S.C. 601-615) as amended, or any other law relating to contract clauses or procedures or other procurement matters; repair, operate, and maintain buildings utilities, facilities, and appurtenances;~~

⁴
~~(5) without regard to any other provision of law,~~

maintain and operate full-scale printing facilities for the production of intelligence and intelligence-related materials and lease or purchase and operate computer and communications equipment as appropriate to carry out authorized functions;

⁵
(6) conduct background investigations in accordance with Title II, and, with appropriate consent, ~~as necessary,~~ to determine the suitability and trustworthiness of applicants for employment or contractor status or access to Agency information or facilities, employees, contractors and their employees, cooperating sources of information or assistance, consultants, applicants for employment with and employees of proprietaries, and persons similarly associated with the Agency or the Office of the Director of National Intelligence;

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⁶
(7) acquire, establish, maintain, and operate secure communications systems in support of Agency operations and in support of the Office of the Director of National Intelligence, and, when authorized by the Director of the Agency, in support of any other department or agency;

⁷
(8) in addition to the authority provided under 31 U.S.C. 686, provide to any department or agency such services, supplies, or equipment as the Agency may be in a position to render, supply, or obtain by contract, and place orders with departments or agencies that may be in a position to render, supply, or obtain services, supplies, or equipment by contract or otherwise;

⁸
(9) protect Agency personnel, installations, equipment and information by lawful security procedures, including, but not limited to, inspections of persons and items entering or leaving facilities and grounds owned or utilized by the Agency;

~~(10) conduct health service programs similar to those authorized by sections 7901 of title 5, and 1156 through 1160 of title 22, United States Code.~~

⁹
~~(11) notwithstanding the provisions of sections 638 (a) (c) of title 31, United States Code, provide transportation, in accordance with regulations approved by the Director of the Agency for officers, employees and contractors of the Agency and the Office of the Director of National Intelligence, or their dependents, when other means of transportation are unsafe or inadequate.~~

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¹⁰
(12) settle and pay claims of civilian and military personnel, as prescribed in Agency regulations consistent with the terms and conditions by which claims are settled and paid under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240-243);

¹¹
(13) pay, in accordance with regulations approved by the Director, expenses of travel in connection with, and expenses incident to membership in, or attendance at meetings of professional, technical, scientific, and other similar organizations and professional associations when such attendance or membership would be of benefit in the conduct of the work of the Agency; and

¹²
(14) provide or pay expenses of training, ~~without regard to the provisions of Chapter 41 of Title 5,~~ to support authorized Agency functions, and, as appropriate, provide training for personnel of other departments and agencies.

¹³
(15) perform inspection, audit, public affairs, legal, legislative, and other administrative functions; and

¹⁴
(16) perform such additional functions as are otherwise authorized by this Act to be performed by each entity of the Intelligence Community.

(b) Any department or agency may transfer to or receive from the Agency any sum of money in accordance with subsection (a)(1)-(3) of this section.

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(c) Any department or agency is authorized to assign or detail to the Agency any officer or employee of such department or agency to assist the Agency in carrying out any authorized function and the Agency may similarly assign or detail personnel to any other department or agency.

(d) No provision of law shall be construed to require the Director of the Agency or any other officer or employee of the United States to disclose information concerning the organization, ^{or} functions, ~~or activities~~ of the Agency, including the name, official title, salary, or affiliation with the Agency of any person employed by, or otherwise associated with the Agency, ^{or} ~~the number of persons employed by the Agency, or any aspect of the Agency budget.~~ In addition, the Agency shall also be exempted from the provisions of any law which require the publication or disclosure, or the search or review in connection therewith, of information in files specifically designated to be concerned with: The design, function, deployment, exploitation or utilization of scientific or technical systems for the collection of intelligence; Special activities and intelligence operations; investigations conducted to determine the suitability of potential intelligence sources; intelligence and security liaison arrangements or information exchanges with foreign governments or their intelligence or security services; except to the extent that disclosure is required under Sections 552 and 552a of Title 5 of information concerning American citizens and permanent resident aliens requested by such persons on themselves.

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(e) The Agency is authorized to establish, administer, and maintain methods to conceal and protect the relationship between the Agency and any of its officers, employees, sources, and activities, and for personnel and activities of the Office of the Director of National Intelligence, and for defectors from foreign countries.

(f) The Agency may continue to use and may modify with the approval of the President the seal of office used by the Central Intelligence Agency prior to the effective date of this title and judicial notice shall be taken of such seal.

(g) The Director of the Agency may employ or contract for security officers to police and protect the security of Agency personnel, installations and grounds owned or utilized by the Agency or the Office of the Director of National Intelligence, and such security officers shall have the same powers as sheriffs and constables for the protection of persons and property, to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce any rule or regulation the Director of the Agency may promulgate for the protection of such installations and grounds. The jurisdiction and police powers of such security officers shall not, however, extend to the service of civil process.

(h) Under such regulations as the Director of the Agency shall prescribe, Agency personnel may carry and use firearms while in the discharge of their official duties: Provided, that with

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only the protection of (1) information concerning intelligence sources and methods and classified documents and material; (2) facilities, property, monies and other valuable assets owned or utilized by the Agency or the Office of the Director of National Intelligence; (3) personnel of the Agency or the Office of the Director of National Intelligence as may be designated by the Director of the Agency; and (4) defectors and foreign persons visiting the United States under Agency auspices; and Provided further, That such duties shall include the transportation and utilization of firearms for authorized training.

(i) (1) The Agency may employ, manage and separate personnel or contract for personal services as it deems advisable, ~~without regard to the provisions of any other law, including provisions of law that establish limitations on types of persons to be employed,~~ and may fix the compensation of such personnel at rates not in excess of the maximum rate authorized under other provisions of law;

(2) ~~Notwithstanding any other provision of law,~~
The Director of the Agency may terminate the employment of any officer or employee of the Central Intelligence Agency, or the access of any individual, including contractors of the Agency or any employee of any such contractor, to information relating to intelligence activities whenever the Director of the Agency considers such termination necessary or advisable in the interests of the national security of the United States.

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(3) Any Agency officer or employee, including any officer or employee who has been separated under paragraph (1), or whose employment has been terminated under paragraph (2), may seek or accept employment in the competitive service of the Government if declared eligible for such employment by the Office of Personnel Management; and that Office shall consider such officer or employee for position in the competitive civil service in the same manner as if transferring between two positions in the competitive service, but only if such Agency officer or employee has served with the Agency or the Office of the Director of National Intelligence for a total of at least one year continuously immediately preceding separation or termination.

(j) The Agency shall have no police, subpoena, or law enforcement powers, nor perform any internal security or criminal investigation functions, except to the extent expressly authorized by this Act.

(k) Except as otherwise provided in this Act, the provisions of subsections (a)-(e) and (i) of this section shall be available notwithstanding any other provision of law.

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PROCUREMENT

422
Sec. 407. (a) The Agency is authorized to procure, use, and dispose of such real and personal property, supplies, services, equipment and facilities as may be necessary to carry out authorized functions.

(b) The provisions of chapter 137, relating to the procurement of property and services, and chapter 139, relating to the procurement of research and development services, of title 10, United States Code, as amended, shall apply to the procurement of property and research and development services by the Agency under this title in the same manner and to the same extent such chapters apply to the procurement of property, services, and research and development services by the agencies named in section 2303(a) of chapter 137 of title 10, except that the Director of the Agency may specify by regulation when any or all of the provisions of chapters 137 and 139 of title 10 may be waived for the effective performance of authorized functions.

~~(c) The Agency is further authorized, without regard to any other provision of law, to procure, use, and dispose of property, goods, or services, in such a manner that the role of the Agency is not apparent or acknowledged, if concealment of Agency involvement is appropriate for the effective performance of authorized functions.~~

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^c
(c) In accordance with regulations promulgated by the Director of the Agency, the Agency is authorized to enter into contracts and amendments of contracts, and to make advance payments on contracts, without regard to any other provision of law, whenever deemed necessary for the effective performance of authorized functions.

^d
(d) The Agency is authorized to dispose of property and use the proceeds therefrom to purchase new property without regard to any other provision of law whenever the Director of the Agency deems such action necessary for the effective performance of authorized functions.

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PROPRIETARIES

423
Sec. 408. (a) The Agency is authorized to establish and operate proprietaries in support of Agency operations and, with the approval of the Director of National Intelligence, in support of other entities of the Intelligence Community. In addition, any such proprietaries may be operated on a commercial basis to the extent necessary to provide effective cover.

(b) Appropriated funds and funds generated by an Agency proprietary or otherwise received may be deposited in banks or other financial institutions and expended as necessary to accomplish operational purposes except that funds in excess of amounts necessary for such purposes shall be deposited into miscellaneous receipts of the Treasury.

(c) Proceeds from the liquidation, sale, or other disposition of any Agency proprietary may be expended to establish and operate other proprietaries in furtherance of the same or closely related operational purposes. Any such proceeds not so expended shall be deposited into miscellaneous receipts of the Treasury, except for amounts deemed necessary or required by law to be retained for the purpose of satisfying claims or obligations.

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(d) Whenever any Agency proprietary, or operationally related group of proprietaries, whose net value exceeds \$150,000 in ~~1979 dollars~~ is to be liquidated, sold, or otherwise disposed of, the Agency shall, as much in advance of the liquidation, sale, or other disposition as practicable, report the circumstances of the intended liquidation, sale, or other disposition to the Permanent Select Committee on Intelligence of the House and the Select Committee on Intelligence of the Senate.

(e) Employees of such proprietaries shall not be considered to be employees of the United States or entitled to benefits of any kind accruing to or vesting in employees of the United States unless specifically designated to be so considered in accordance with regulations promulgated by the Director of the Agency.

~~(f) As used in this section, the term "proprietary" means a sole proprietorship, partnership, corporation, or other entity owned or controlled by the Agency but whose relationship with the Agency is not officially acknowledged.~~

^f
(g) The authority contained in this section shall, except as otherwise provided in this Act, be available to the Agency notwithstanding any other provision of law.

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RELATIONSHIPS WITH OTHER ENTITIES

⁴²⁴
Sec. ~~409~~. In addition to those activities of the Agency that relate to other departments and agencies and that are authorized in other provisions of this Act, the Agency is further authorized--

(1) to request other entities of the intelligence community to undertake authorized intelligence activities.

(2) to receive assistance from federal, state and local law enforcement agencies in the conduct of authorized functions.

(3) to provide and receive technical guidance, training, and equipment, and, under regulations established by the Director of the Agency, the services of expert personnel, to or from any other federal agency or foreign government, and, when not readily available from another federal agency, to or from state or local governments;

(4) to provide and receive technical information or assistance to or from the Passport Office of the Department of State and the Immigration and Naturalization Service of the Department of Justice to assist in carrying out authorized functions;

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(5) when the Internal Revenue Service is performing an audit of an Agency proprietary or any other organization or individual whose relationship with the Agency is concealed or protected, to notify the Internal Revenue Service of such relationship in order that it not be disclosed publicly in connection with the audit.

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ADMISSION OF ESSENTIAL ALIENS

⁴²⁵
Sec. ~~410~~(a). Whenever the Director of the Agency, the Attorney General, and the Commissioner of Immigration and Naturalization determine that the entry of particular aliens into the United States for permanent residence is in the interest of national security or essential to intelligence activities, such aliens and their immediate families shall be given entry into the United States for permanent residence without regard to their inadmissibility under, or their failure to comply with, any immigration law of the United States or any other law or regulation, but in no case may the number of aliens and members of their immediate families who enter the United States under the authority of this section exceed one hundred in any one fiscal year. The Agency is authorized to process, debrief, and provide relocation assistance to such individuals, as necessary and appropriate under regulations established by the Director of the Agency.

(b) When extraordinary circumstances indicate that a foreign person associated with the Agency should enter or leave the United States under other than that person's true identity, the Agency is authorized to notify the Immigration and Naturalization Service of these circumstances and request a waiver of otherwise applicable rules and procedures.

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AUTHORIZATION FOR APPROPRIATIONS AND EXPENDITURES

⁴²⁶
Sec. 411. (a) Notwithstanding any other provision of law, sums available to the Agency by appropriation or otherwise received may be expended to carry out the authorized functions of the Agency. Funds appropriated to the Agency may not be expended unless authorized by legislation enacted during the same or one of the two immediately preceding fiscal years, except that this limitation shall not apply to funds appropriated by any continuing resolution.

(b) Whenever the Director of the Agency determines such action to be necessary in the interest of the national security, the expenditure of funds appropriated to or otherwise received by the Agency shall be accounted for solely on the certificate of the Director of the Agency and every such certificate shall be deemed a sufficient voucher for the amount certified therein.

(c) There is established and the Director of the Agency is authorized to establish and maintain a fund to be known as the Contingency Reserve Fund (hereinafter in this section referred to as the "Reserve Fund") and to credit to the Reserve Fund monies specifically appropriated to the Central Intelligence Agency for such fund and unused balances of funds previously withdrawn from the Reserve Fund. ~~Periodic authorization and appropriations for the Reserve Fund shall be deemed sufficient to maintain the Reserve Fund at the level authorized and appropriated.~~

(d) The Director of the Agency is authorized to expend monies from the Reserve Fund for the payment of expenses incurred in connection with any authorized intelligence activity if--

(1) the withdrawal of funds from the Reserve Fund has been approved by the Office of Management and Budget;

(2) the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate have been notified of the purpose of such withdrawal at least 72 hours in advance of the withdrawal; except that in extraordinary circumstances the Director of the Agency may authorize the withdrawal of funds from the reserve Fund without prior notification to the appropriate committees of the Congress if the Director of the Agency notifies such committees within 48 hours after initiation of the withdrawal, describes the activity for which such funds have been or are to be expended, certifies to such committees that prior notification would have resulted in a delay which would have been harmful to the United States, and discloses to such committees the reasons why the delay would have been harmful. The foregoing shall not be construed as requiring the approval of any committee of the Congress prior to the initiation of any such activity;

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(3) the monies from the Reserve Fund are used solely for the purpose of meeting requirements that were not anticipated at the time the President's budget was submitted to the Congress for the fiscal year in which the withdrawal is authorized, and the activities to be funded require protection from unauthorized disclosure.

(e) Monies from the Reserve Fund may be expended only for the purpose for which the withdrawal was approved under this subsection and any amount approved for expenditure but not actually expended or to be expended for the purpose for which approved shall be returned to the Reserve Fund.

(4) Any activity funded from the RESERVE Fund that continues after the end of the fiscal year in which it was funded by monies from the RESERVE Fund shall be funded thereafter through the regular budgetary process at the earliest practicable date.

PART D

TRAVEL AND OTHER ALLOWANCES; RELATED EXPENSES;
RETIREMENT SYSTEM; AND DEATH GRATUITIES

431

Sec. 412. (a) As used in this section "employee" does not include, unless otherwise specifically provided in accordance with regulations issued by the Director of the Agency, any person working for the Agency under a contract or any person who, when initially employed, is a resident in or a citizen of the foreign country in which such person is to be assigned to duty.

(b) Under regulations issued by the Director of the Agency the Agency may pay--

~~(1) travel, transportation, and subsistence expenses comparable to those provided for in chapters 57 and 59 of title 5, United States Code;~~

(2) travel, transportation, ^{medical} subsistence, and other allowances and benefits in a manner and under circumstances comparable to those provided under title IX of the Foreign Service Act of 1946 (22 U.S.C. 1131-1159);

²
(3) educational travel benefits for dependents in the same manner and under the same circumstances as such benefits are provided under 5 U.S.C. 5924 (4)(A) and (B) for dependents of employees of the Department of State;

³
(4) death gratuities in the same manner as such gratuities are provided under section 14 of the Act entitled "An Act to provide certain basic authority

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for the Department of State", approved 1 August 1956 (22 U.S.C. 2679a), to the extent that the Director of the Agency determines that death occurred in the course of operational activity or resulted from hostile or terrorist action; and

~~(5) travel and necessary subsistence allowances for employees and dependents to obtain suitable medical care where adequate care is not available locally.~~

(c) Whenever any provision of law relating to expenses, allowances, benefits or death gratuities of Foreign Service employees or dependents is enacted after the date of enactment of this Act in a form other than as an amendment to one of the provisions referred to in subsection (b) and the Director of the Agency determines that it would be appropriate for the purpose of promoting the effective performance of authorized functions, the Director of the Agency may, ^{with the approval of the President} by regulation, authorize payment, in whole or in part to Agency employees or dependents of such expenses, allowances, benefits and gratuities.

(d) Notwithstanding the provisions of subsections (b) and (c), and under regulations issued by the Director of the Agency, the Agency may pay expenses, allowances, benefits, and gratuities similar to those specifically authorized in those subsections in any case in which the Director of the Agency determines that such

expenses, allowances, benefits or gratuities are necessary for the effective performance of authorized functions or that, for reasons of operational necessity or security, the means of paying expenses, allowances, benefits, and gratuities authorized in subsections (b) and (c), should not be utilized, and may pay special expenses, allowances, benefits, and gratuities when necessary to sustain particular Agency activities.

RETIREMENT SYSTEM

432
Sec. ~~413~~. The "Central Intelligence Agency" in Section 111(1) of the Central Intelligence Agency Retirement Act, and the "Director of Central Intelligence" in Section 112 of that Act, shall be deemed to refer to the "Central Intelligence Agency" and the "Director of the Agency" as established under this title. With the exception of the foregoing sentence, nothing in this Act shall affect the entitlement of Agency employees and former Agency employees to participate in the retirement system established by the Central Intelligence Agency Retirement Act or the retirement system established by chapter 83 of title 5, United States Code.

PART E

TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS;
STATUTES REPEALED; EFFECT OF SUBSEQUENT LAW

TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS

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Sec. ~~414~~. (a) All positions, except those of the Director of Central Intelligence and the Deputy Director of Central Intelligence, established in and personnel employed by the Central Intelligence Agency on the day before the effective date of this title, and all obligations, contracts, properties, and records employed, held, or used by the Agency are transferred to the Agency.

(b) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, entitlements, and privileges which have become effective in the exercise of functions transferred under this title and which are in effect on the effective date of this title, shall continue in effect until modified, terminated, superseded, set aside, or repealed by the Director of the Agency or other properly designated Agency official, by any court of competent jurisdiction, or by operation of law.

(c) The provisions of this title shall not affect any proceedings pending before the Central Intelligence Agency as in effect prior to the effective date of this title.

(d) No suit, action, or other proceeding begun prior to the effective date of this title, shall abate by reason of enactment of this title.

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(e) With respect to any function transferred by this title and exercised after the effective date of this title, reference in any other Federal law to any department, agency, office, or part thereof shall be deemed to refer to the department, agency, or office in which such function is vested pursuant to this title, and reference in any other Federal law to a provision of law replaced by similar provisions in this title shall be deemed to refer to the provisions in this title.

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STATUTES REPEALED; EFFECT OF SUBSEQUENT LAW

442
Sec. ~~415~~. (a) No law enacted after the date of the enactment of this Act shall be held, considered or construed as amending, limiting, superseding or otherwise modifying any provision of this title unless such law does so by specifically and explicitly amending, limiting, or superseding such provision.

~~Sec.~~ Section 102 of the National Security Act of 1947 (50 U.S.C. 403) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-403j) are repealed.

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PART F

CRIMINAL PENALTIES

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Sec. ~~416~~ (a) (1) Chapter 33 of Title 18, United States

Code, is amended by adding at the end thereof a new section as follows:

"S. 716. Misuse of the name, initials, or seal of the
Central Intelligence Agency

"Any person who knowingly and without the express written permission of the Director of the Central Intelligence Agency uses the name 'Central Intelligence Agency', the initials 'CIA', the seal of the Central Intelligence Agency, or any colorable imitation of such name, initials, or seal in connection with any impersonation for other than authorized purposes or in connection with any commercial enterprise, including any merchandise, advertisement, book, circular, pamphlet, play, motion picture, broadcast, telecast, or other publication or production in a manner intended to convey the impression that such use is approved, endorse or authorized by the Central Intelligence Agency shall be fined not more than ^{\$10,000} ~~\$20,000~~ or imprisoned not more than ^{Six months} ~~one year~~, or both."

(2) The table of sections at the beginning of chapter 33 of such title is amended by adding at the end thereof a new item as follows:

"716. Misuse of the name, initials, or seal of the Central Intelligence Agency."

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(b)(1) Title 18, United States Code, is amended by adding at the end thereof the following new chapter:

Chapter 38. Unauthorized disclosure of information identifying certain individuals engaged or assisting in intelligence activities.

[Provided Separately]